



W.P.No.30719 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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K.Velayutham

... Petitioner

Vs

1.The District Collector,
O/o.District Collector,
Kallakurichi District.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Kallakurichi, Kallakurichi District.

3.The Tahsildar,
O/o.Tahsildar Office,
Sangarapuram, Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to issue patta in S.No.3/1, 3/2 East Arasamara Bus Stop, Orangani Village, Soundaravallipalayam, Sangarapuram Taluk, Kallakurichi District – 606 401 in pursuant to the petitioner representation dated 20.10.2022.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.U.Bharandharan



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Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to issue patta in S.No.3/1, 3/2 East Arasamara Bus Stop, Orangani Village, Soundaravallipalayam, Sangarapuram Taluk, Kallakurichi District – 606 401 in pursuant to the petitioner representation dated 20.10.2022.

2.The case of the petitioner is that the petitioner is in occupation and residing in the aforesaid property for the past several years. While so, the petitioner's sister one Lakshmi filed a suit in O.S.No.1103 of 2009 before the District Munsif Court, Sangarapuram seeking relief, restraining the respondents therein and his agents from disturbing possession and claiming over patta of the very same land and the same was dismissed on 22.01.2015. Aggrieved over the said dismissal, the said Lakshmi preferred an appeal in A.S.No.36 of 2015 and the same was dismissed on 20.03.2015. Thereafter, Lakshmi filed a W.P.No.26295 of 2022 before this Court seeking for issuance of patta. In the meantime, the petitioner gave a representation dated 20.10.2022 to the respondents for issuance of patta. However, no order was



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passed. Hence, the petitioner has filed the present Writ Petition.

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3.The learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 20.10.2022 and pass appropriate orders within a time frame fixed by this Court.

4.Per contra, learned Additional Government Pleader appearing for the respondents would submit that the already for the very same survey number, the petitioner's sister filed a W.P.No.26295 of 2022 for issuance of patta. However, the said application was rejected on the ground that the said land is classified as 'Thoppu Poramboke' and objected that the said land cannot be alienated. Hence, the same rejection order is applicable in case of the petitioner also. Accordingly, he prayed for appropriate orders.

5.Considering the facts and circumstances of the case, the prayer sought for in this Writ Petition cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.



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Index : Yes/No
Speaking Order : Yes/No
gba

To

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M.DHANDAPANI,J.

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